

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

HERMISSON RAMON RICO- CIVIL DOCKET NO. 1:20-CV-01314-P
SANCHEZ,
Petitioner

VERSUS

JUDGE DAVID C. JOSEPH

CHAD WOLF, *ET AL.*,
Respondent

MAGISTRATE JUDGE PEREZ-MONTES

MEMORANDUM ORDER

Before the Court is a Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (ECF No. 4) filed by *pro se* Petitioner Hermisson Ramon Rico-Sanchez (A#216546744) (“Rico-Sanchez”). Rico-Sanchez is a detainee in the custody of the Bureau of Immigration and Customs Enforcement (“ICE”). He is being detained at the Allen Parish Jail in Oberlin, Louisiana.

To determine whether Rico-Sanchez is being subjected to indefinite detention in violation of his constitutional rights, his Petition (ECF No. 4) should be SERVED on the Government.

I. Background

Rico-Sanchez is a native and citizen of Venezuela who was ordered removed in 2019. ECF No. 1 at 2. Rico-Sanchez alleges that he has been in post-removal order detention for more than six months, and his removal is unlikely to occur in the reasonably foreseeable future. ECF No. 1 at 6. Thus, Rico-Sanchez alleges that his

continued detention violates *Zadvydas v. Davis*, 533 U.S. 678 (2001). ECF No. 1 at 7.

Rico-Sanchez was ordered to amend his Petition to allege why his removal is unlikely to occur in the reasonably foreseeable future. ECF No. 6. Meanwhile, the undersigned became aware of similar cases filed by Venezuelans in another division of this Court where habeas relief has been granted because of “the lack of diplomatic relations between the United States and Venezuela, and worldwide travel restrictions due to the global COVID-19 pandemic. . . .” *Balza v. Barr*, 6:20-CV-00866, 2020 WL 6143643, at *5 (W.D. La. Sept. 17, 2020), *report and recommendation adopted*, 2020 WL 6064881 (W.D. La. Oct. 14, 2020).

II. Service of Process

To determine whether Rico-Sanchez is entitled to relief:

THE CLERK IS DIRECTED to serve a summons, a copy of the Petition (ECF No. 4), and a copy of this Order, by certified mail, on the United States through the United States Attorney for the Western District of Louisiana, the United States Attorney General, DHS/ICE through its Director, and the Warden of the Allen Parish Jail.

IT IS ORDERED that Respondents file an answer to the Petition (ECF No. 4) within 45 days following the date of service. In the answer, Respondents shall provide the Court with summary judgment evidence indicating whether Petitioner’s order of removal is final, whether there is a significant likelihood of removal in the reasonably foreseeable future, and whether Petitioner’s detention is otherwise lawful. This

evidence shall include information regarding the length of time that he has been in custody, the date on which his removal order became final, any administrative decisions relating to Petitioner's request for bond, and all documents relevant to the efforts made by the immigration officials to obtain travel documents for Petitioner.

Respondents shall also file a memorandum of law briefing the issues raised in the answer and citing applicable statutory and case law.

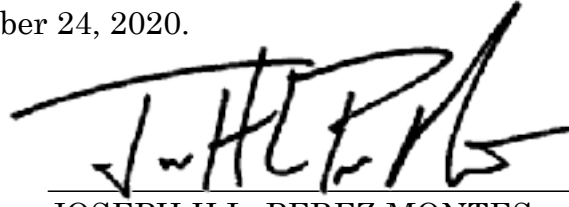
IT IS FURTHER ORDERED that Petitioner shall have 30 days following the filing of Respondents' answer to produce contradictory summary judgment evidence on the issue of the lawfulness of his detention.

All documentary exhibits MUST HAVE PROPERLY NUMBERED PAGES. An index describing each item attached to the response and showing each item's page number shall also be attached.

FINALLY, IT IS ORDERED that, as a condition to their acceptance by the Clerk, all future filings by Petitioner and Respondents shall include a certificate stating that a copy thereof has been mailed to all other parties.

After the record is complete and all delays have run, the Court will determine if genuine issues of material fact exist, which preclude summary judgment and necessitate an evidentiary hearing. If no hearing is necessary, a Report and Recommendation will be issued without further notice.

SIGNED on Tuesday, November 24, 2020.

A handwritten signature in black ink, appearing to read 'J. H. L. P. M.', written over a horizontal line.

JOSEPH H.L. PEREZ-MONTES
UNITED STATES MAGISTRATE JUDGE